

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PIMENIO VELA HERRERA,

)

8:12CV321

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Plaintiff,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

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TAMMY MOWRY, et al.,

)

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Defendants.

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This matter is before the court on its own motion. On July 25, 2013, the court extended the time in which Plaintiff had to serve Defendant Jesse Robins. The court warned Plaintiff that if he “did not serve Jesse Robins within 45 days, Plaintiff’s claims against Jesse Robins will be dismissed without prejudice and without further notice, and this action will proceed only as to Plaintiff’s claims against the other five defendants.” (Filing No. [35](#) at CM/ECF p. 2.) More than 251 days have passed since the court allowed this matter to proceed to service of process. To date, Plaintiff has not served Jesse Robins, and the time in which to do so has long passed. For this reason:

IT IS THEREFORE ORDERED that: Plaintiff’s claims against Defendant Jesse Robins are dismissed without prejudice.

DATED this 22<sup>nd</sup> day of October, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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